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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

10 RICHARD KADREY, *et al.*,
11 Individual and Representative Plaintiffs,
12 v.
13 META PLATFORMS, INC., a Delaware
14 corporation,
15 Defendant.

16 Case No. 3:23-cv-03417-VC-TSH
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**DECLARATION OF ALEXANDER
ZBROZEK IN SUPPORT OF
DEFENDANT META PLATFORMS,
INC.'S ADMINISTRATIVE MOTION
TO CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED RE: META'S REPLY IN
SUPPORT OF ITS MOTION FOR
PARTIAL SUMMARY JUDGMENT
[ECF NO. 544]**

1 I, Alexander Zbrozek, hereby declare as follows:

2 1. I am Senior Counsel at OpenAI. I submit this declaration in support of Defendant
 3 Meta Platforms, Inc.'s Administrative Motion to Consider Whether Another Party's Material
 4 Should Be Sealed Re: Meta's Reply in Support of Its Motion for Partial Summary Judgment, ECF
 5 No. 544, pursuant to N.D. Cal. L.R. 79-5(f)(3). I have personal knowledge of the facts set forth
 6 below and, if called as a witness, could testify competently thereto.

7 2. I have been informed that because Defendant's Motion for Partial Summary
 8 Judgment relates to a potentially dispositive matter, courts generally apply a "compelling
 9 reasons" standard when considering motions to seal documents. *Kamakana v. City & Cty. of*
 10 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)). However, I have also been informed that courts
 11 have found that "confidential business information" in the form of "license agreements, financial
 12 terms, details of confidential licensing negotiations, and business strategies" satisfies the
 13 "compelling reasons" standard. *Jam Cellars, Inc. v. Wine Grp. LLC*, No. 19-CV-01878-HSG,
 14 2020 WL 5576346, at *1 (N.D. Cal. Sept. 17, 2020) (citing *In re Qualcomm Litig.*, No. 3:17-cv-
 15 0108-GPC-MDD, 2017 WL 5176922, at *2 (S.D. Cal. Nov. 8, 2017); *Finisar Corp. v. Nistica,*
 16 *Inc.*, No. 13-cv-03345-BLF (JSC), 2015 WL 3988132, at *5 (N.D. Cal. June 30, 2015)).

17 3. I have been informed and understand that the OpenAI confidential material
 18 marked for redaction in Paragraph 9 of the Declaration of Michael Sinkinson filed in support of
 19 Meta Platforms, Inc.'s Reply in Support of Its Motion for Partial Summary Judgment, ECF No.
 20 543-15, has been designated by OpenAI as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES
 21 ONLY" pursuant to the protective order. I submit this declaration in support of sealing that
 22 information.

23 4. Based on my review, the green-highlighted portions of Paragraph 9 of the
 24 Declaration of Michael Sinkinson, attached as an exhibit hereto, should remain redacted because
 25 they contain highly confidential business information stemming from the terms of a July 2023
 26 agreement between OpenAI and the Associated Press. OpenAI treats the terms from agreements
 27 with business partners as highly confidential given the highly competitive nature of the artificial
 28 intelligence industry. OpenAI generally does not publicly disclose strategic decision-making

1 deliberations concerning business relationships to prevent competitive harm to OpenAI.
2 Moreover, OpenAI and certain partners have express agreements with confidentiality provisions
3 that prevent public disclosure of confidential facts about the companies' business relationships.
4 Public disclosure of this information would cause competitive harm to OpenAI, given the highly
5 competitive nature of the artificial intelligence industry with global stakeholders, and could cause
6 violation of OpenAI's confidentiality agreements.

7 5. OpenAI's request is narrowly tailored, as OpenAI does not seek to seal any other
8 information identified in Defendant's sealing motion.

9

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct.

12 Executed on this 25th day of April, 2025, in New York, New York.

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/s/ Alexander Zbrozek

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Alexander Zbrozek
Senior Counsel
OpenAI

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ECF ATTESTATION

I, Joseph C. Gratz, am the ECF User whose ID and password are being used to file this document. In accordance with Civil L.R. 5-1(i)(3), concurrence in and authorization of the filing of this document has been obtained from Alexander Zbrozek, declarant.

Dated: April 25, 2025

MORRISON & FOERSTER LLP

By: /s/ Joseph C. Gratz
Joseph C. Gratz

Attorney for Non-Party
OPENAI OPCO, L.L.C.